IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

Criminal Application No.4566 of 2006

Shri Atmaram D. Sante Applicant

Vs.

The State of Maharashtra Respondent

Mr.M.S.Mohite for applicant.

Mr.U.V.Nikam, APP for State.

CORAM: B.H.MARLAPALLE,J.

January 15, 2007.

P.C.

. Heard Mr.Mohite, the learned counsel for the applicant who is the Sarpanch of Warulwadi Gram Panchayat and he holds the said post from 25th August 2005. One Shri Naikade is the Gram Sevak of the said village panchayat and it is alleged that during the year 2005-06 there was misappropriation of about Rs.3.40 lakhs and C.R. No.120/2006 was registered at the Narayangaon police station on 20/9/2006 against the Gram Sevak as well as the present applicant for the offences punishable under Sections 406, 409, 467 and 470 read with Section 34 of IPC. Apprehending the arrest, the applicant filed Criminal Misc.

Application No.2282 of 2006 for anticipatory bail which was rejected by the learned Ad-hoc Addl. Sessions Judge - VI, Pune and hence this application for anticipatory bail. The learned APP, on instructions from the I.O. who is present in the Court, states that Shri Naikade, the Gram Sevak is absconding from the time he has been placed under suspension by the Competent Authority and that the entire record of the village panchayat has been also seized, the interrogation of the applicant is necessary to obtain his handwriting samples etc. Mr. Mohite, the learned counsel for the applicant states that the applicant will be available for interrogation from day-to-day basis from the time given to him and he will also give the samples of his handwriting. In these given circumstances, the custodial interrogation of the applicant is not warranted and, therefore, this application deserves to be allowed.

. In the result, the application is allowed and it is directed that in the event of the applicant's arrest in connection with C.R.No.120/2006 registered with Narayangaon Police Station, he shall be released on furnishing PR bond in the sum of Rs.3000/- with

one solvent surety for the like amount and on the condition that he will report to the Narayangaon Police Station every day between 5 p.m. to 6 p.m. for a period of four weeks or till the Gram Sevak surrenders, whichever is earlier.

(B.H